

Sept 12, 1988

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DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS
211 MAIN STREET
SAN FRANCISCO, CALIFORNIA 94105 - 1905

~~DEPARTMENT OF THE ARMY~~
REGIONAL PERMIT NO. 17040E98

1. The District Engineer, San Francisco District, U.S. Army Corps of Engineers, hereby issues a Department of the Army regional permit for certain work and discharges of dredged or fill material into waters of the United States pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344).

2. The Leslie Salt Company, P. O. Box 364, Newark, California 94560, is hereby authorized to perform the following activities for the operation, maintenance and limited new work construction associated with the production and harvesting of solar salt and other products from Bay water, and conduct other mariculture-related activities within currently-used salt ponds:

a. NEW WORK ACTIVITIES:

(1) Construction of New Intake Structures: These structures consist of screw gates which slide open vertically and are connected to large culverts through the outboard levee connecting the intake pond from the Bay. From the Bay, not more than one intake structure shall be constructed, per year. Inlet size shall not exceed 36 inches in diameter and will consist of a series of four to eight inlets.

(2) Maintenance Dredging: Perform periodic maintenance dredging of the Napa intake channel, the Redwood City and Napa loading dock areas, and the Newark barge channel, with disposal of the material at: (a) an approved Bay aquatic disposal site, or (b) within a salt pond in borrow ditches along the inside of salt pond levees, or (c) a dry land location. (See Special Condition No. 2 for aquatic disposal; see Special Condition No. 6 for disposal of dredged material on existing levees.)

(3) Riprapping:

a. Riprapping on inside and interior levees that are subject to weathering and wear, for protection against erosion.

b. Approximately 100,000 cubic yards of riprap on five miles of exterior or exposed levees is authorized for the term of the permit. (See Special Condition No. 3 for restrictions on riprap.)

Protection Agency
Region 9

SEP 12 1988

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b. REPAIR AND MAINTENANCE ACTIVITIES:

(1) Clearing and Retrenching of Brine Control and Water Control Structures: Clean out and maintain existing intake channels, tide gates, brine ditches, and pumps into salt ponds. The most common form of maintenance (besides routine servicing) is the removal of silt and algae from the vicinity of the facilities to increase their efficiency. Maintenance would include the removal of silt, algae, debris, etc., from these facilities, with disposal outside Corps of Engineers' jurisdiction.

(2) Dredging and Maintenance of Levees: Maintain, in serviceable condition, the salt pond levees by the placement of material taken from inside salt ponds or suitable imported fill material (free of toxic pollutants and debris) in the minimum amount necessary for repair or armoring of the levees. The material shall be placed along the inside and on top of salt pond levees to maintain the configuration of the levees. A dragline on a levee or barge-mounted dredge is the most typical method of obtaining the material for levee maintenance. Approximately 60 miles of levees will be maintained, or twenty percent of the total levees, in one year. At two cubic yards per foot, approximately 633,600 cubic yards of dredging, for levee maintenance per year, is authorized.

(3) Repair of Miscellaneous (fences, gates, powerlines, etc.): Maintain or replace, in-kind, existing, currently serviceable improvements such as pumps, pumping facilities, culverts, pipes, siphons, electrical distribution lines (including poles, underground facilities, and marine crossings), tide gate structures, fences, bridges, roads on salt pond levees, walkways, bulkheads, and similar facilities provided such maintenance or replacement does not result in a deviation from the plans of the original facility.

These activities shall be performed in accordance with the conditions, outlined below, and as described in the attached drawing marked:

"PROPOSED REGIONAL PERMIT IN SAN FRANCISCO BAY IN VARIOUS COUNTIES STATE OF: CALIF. APPLICATION BY: LESLIE SALT COMPANY," in four sheets dated June 1, 1987.

The activities described above include San Francisco Bay, San Pablo Bay, and various sloughs (see Exhibit A, attached hereto), in the cities of Hayward, Union City, Fremont, Newark, San Jose, Sunnyvale, Mountainview, Redwood City, and Napa, in the counties of Alameda, Santa Clara, San Mateo, Solano, Napa, and Sonoma, within the State of California.

GENERAL CONDITIONS:

1. The time limit for the work authorized in this permit expires on August 30, 1993.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activities, although you may make a good faith transfer to a third party in compliance with General Condition 4 below.

Should you wish to cease to maintain the authorized activities or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activities authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must inform this office.

5. If a conditioned water quality certification has been issued for your project(s), you must comply with the conditions specified in the certification as special conditions to this permit.

6. You must allow representatives from this office to inspect the authorized activities at any time deemed necessary to ensure that they are being or have been accomplished in accordance with the terms and conditions of this permit.

SPECIAL CONDITIONS:

1. DREDGING AND THE DISCHARGE OF DREDGED OR FILL MATERIAL INTO WATERS OF THE UNITED STATES:

a. That the discharge will be carried out in conformity with the goals and objectives of the Environmental Protection Agency's Guidelines established pursuant to Section 404(b) of the Clean Water Act and published in 40 CFR 230.

b. That the discharge will consist of suitable material free from toxic pollutants in other than trace quantities.

c. That the fill material created by the discharge will be properly maintained to prevent erosion and other non-point sources of pollution.

2. MAINTENANCE DREDGING (for aquatic disposal only):

a. That the permittee shall notify the Coast Guard (oan), Eleventh Coast Guard District, 400 Oceangate Boulevard, Long Beach, California 90822-5399, in writing at least two weeks before commencing construction which would affect general navigation. This will give the Coast Guard the opportunity to notify the maritime community of activities affecting navigation. The type of information needed for the Local Notice to Mariners shall include: (1) Name and telephone number of project manager; (2) size and placement of any floating construction equipment; 3) radio telephone frequencies and call signs of any floating equipment; and, (4) start and finish dates.

b. The Coast Guard Captain of the Port (COTP) of San Francisco Bay may require modifications to marine construction equipment deployment or mooring systems to safeguard navigation while this project is being built. Upon receipt of the notification to start, a copy of the information provided by the permittee will be sent to the COTP for review.

c. The permittee shall, when utilizing San Francisco Disposal Site No. 11 (off Alcatraz Island), dispose of all dredged material within a circular area of radius 1000 feet with center located at latitude 37°49'17"N and longitude 122°24'23"W. The specific disposal location within the dump site will be determined by the District Engineer once the dredging plan is submitted by the permittee. The permittee shall notify the Coast Guard Vessel Traffic Service via radio on channel 13 five minutes in advance of actual departure. The notification shall include the Corps of Engineers permit number authorizing the disposal at the site.

d. That the permittee shall, when utilizing San Francisco Disposal Site No. 9 (Carquinez Strait), dispose of only dredged sediments (no debris) within a rectangular area, 1000 feet by 2000 feet, long axis bearing 080° true, and center at latitude 38°03'50"N and longitude 122°15'55"W. The specific disposal location within the dump site will be determined by the District Engineer once the dredging plan is submitted by the permittee. The permittee shall also notify the Coast Guard Vessel Traffic Service via radio on channel 13 five minutes in advance of actual departure. The notification shall include the Corps of Engineers permit number authorizing the disposal at the site.

e. Prior to initiation of the dredging authorized by this permit and for any authorized successive maintenance dredging episodes, the permittee shall, at least 60 days prior to the proposed commencement of that dredging episode, submit for review to the Chief, Construction-Operations Division, Attn: Regulatory Branch, U.S. Army Corps of Engineers, 211 Main Street, San Francisco, California 94105-1905, appropriate dredging plans, dredge material analysis (Chemical and Physical), and, if necessary, a Regional Water Quality Control Board water quality certification for disposal of the material. The dredging plan shall include the name and telephone number of the project manager with approximate operation start and completion dates along with an estimated quantity of material to be removed.

f. That the permittee shall submit a Dredging Operation Plan for the areas of planned work to the Chief, Construction-Operations Division, Attn: Regulatory Branch, U.S. Army Corps of Engineers, 211 Main Street, San Francisco, California 94105-1905, for review at least 15 working days prior to the commencement of the proposed activity. The operation plan shall address, at a minimum, the following items: The dredging operation plan shall include the name and telephone number of the dredging contractor, the scheduled start date and the dredging equipment identification name/number.

g. That the permittee shall submit a copy of the Before Dredging Survey to the Chief, Construction-Operations Division, Attn: Regulatory Branch, U.S. Army Corps of Engineers, 211 Main Street, San Francisco, California 94105-1905, not later than 15 working days before commencement of dredging. The survey shall be accurate to one tenth (0.1) of a foot and is to show the areas to be dredged including over-depth allowance, existing depths, and total quantity to be dredged (indicated by project and over-depth). The survey is to be signed by the permittee certifying as to its accuracy.

h. That the permittee shall submit a copy of the After Dredge Survey to the Chief, Construction-Operations Division, Attn: Regulatory Branch, U.S. Army Corps of Engineers, 211 Main Street, San Francisco, California 94105-1905, within 15 working days of completion of dredging. The survey shall be accurate to one tenth (0.1) of a foot and is to show the areas dredged, depths and total quantity dredged (indicate project and over-depth). The permittee shall substantiate the total quantity dredged by including calculations used to determine the total dredged quantity from the volume difference (in cubic yards) between the Before and After Dredging Survey. The survey is to be signed by the permittee certifying as to its accuracy.

i. That the permittee shall perform additional dredge material analysis as determined necessary by the District Engineer, and that no dredging may be performed until specific methods for that episode are satisfactory to the District Engineer. The District Engineer, after several dredge material analyses have been conducted, may modify or waive further testing requirements for a subsequent dredging episode, if the results of the tests consistently indicate no harm to the aquatic environment, and if the modification or waiver is consistent with the most current Environmental Protection Agency's 404(b)(1) guidelines.

3. RIPRAPPING OF EXTERIOR LEVEES:

a. That the permittee shall riprap exterior levees only where there would be no impact to wetlands.

b. That the riprap shall be clean (free of exposed rebar, asphalt, and asphalt concrete).

4. SECTION 7 CONSULTATION: That, if during the review of activities proposed in the annual report a determination is made by this office that an activity may jeopardize a threatened or endangered species as identified under the Endangered Species Act (ESA), or potentially destroy or adversely modify the critical habitat of such species, a Section 7 consultation will be initiated by the Corps of Engineers in accordance with the Endangered Species Act. Those activities will be suspended until such time as the consultation with the U.S. Fish and Wildlife Service, Endangered Species Office, has been completed and the permittee has been informed in writing as to the final decision by the District Engineer.

5. CULTURAL RESOURCES: That, if after review of the proposed activities included in the annual report, it is determined that an activity, or activities, may adversely affect historic properties which the National Park Service has listed on, or determined eligible for listing on, the National Register of Historic Places, the permittee shall be notified by the District Engineer. If the District Engineer determines that such historic properties may be adversely affected, the Corps of Engineers will provide the Advisory Council on Historic Preservation an opportunity to comment on the effects of such properties or will consider modification, suspension, or revocation in accordance with 33 CFR 325.7. Furthermore, that, if the permittee before or during prosecution of the currently authorized work, encounters a historic property that has not been listed or determined eligible for listing on the National Register, but which may be eligible for listing in the National Register, the permittee shall immediately notify the District Engineer.

6. LEVEE MAINTENANCE: That the permittee shall, during levee maintenance work, ensure that fill is restricted to the top and interior slopes of the levees. No fill shall be placed in wetland areas.

7. ACCESS: That the permittee shall, in a reasonable period of time, provide permission and access to property to conduct any necessary inventories or studies, upon a 48-hour notification, to the following agencies: U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. National Marine Fisheries Service, the California Department of Fish and Game, and the Corps of Engineers.

8. REPORTING REQUIREMENTS:

a. That the permittee shall submit to the District Engineer an annual report of the proposed activities described herein for the ensuing calendar year. The report shall be submitted at least 45 days prior to the commencement of each calendar year. The submitted report shall include, at a minimum, a description of each activity planned, its magnitude and location (shown in an accompanying map), any staging requirements, and approximate commencement and completion dates, and any other information deemed necessary by the District Engineer. Any modifications to the annual report shall also be submitted at least 45 days prior to commencement of work. No work shall commence until written approval has been received from the District Engineer. Should any of the proposed work described in the report not receive the concurrence of the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. National Marine Fisheries Service, California Department of Fish and Game, California Regional Water Quality Control Board, and the San Francisco Bay Conservation and Development Commission, the District Engineer will determine whether submittal of an individual permit application will be required; this will ensure that project-related impacts to the aquatic environment are avoided or minimized.

b. At the end of each calendar year, the permittee shall provide the agencies listed below with a summary of report of work completed under this regional permit. Bi-annual status reports shall be submitted for the previous months (January-June, July-December). Copies of the pre-and-post annual reports and subsequent modifications shall also be provided to the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. National Marine Fisheries Service, U.S. Coast Guard, California Department of Fish and Game, California Regional Water Quality Control Board (San Francisco Bay Region), and the San Francisco Bay Conservation and Development Commission. This annual report of proposed work shall be provided to these agencies at least 45 days prior to proposed commencement of work.

9. OTHER RESTRICTIONS:

This regional permit applies only to active salt ponds and it does not authorize the following activities for which individual public interest review will be required on a case-by-case basis:

a. Construction of new dredge locks, and/or repair of existing dredge locks.

b. Construction of new pumping donuts.

c. Draining and/or regrading of concentration ponds.

d. Construction of new interior levees.

e. Crossings of open channels and streams by pumps, culverts, pipes, siphons, and powerlines.

f. Creation of marsh shelves.

Except for item "c" above, these activities will also require individual review by the San Francisco Bay Conservation and Development Commission.

FURTHER INFORMATION:

1. Limits of this authorization:

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

2. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:


- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. **Reevaluation of Permit Decision:** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

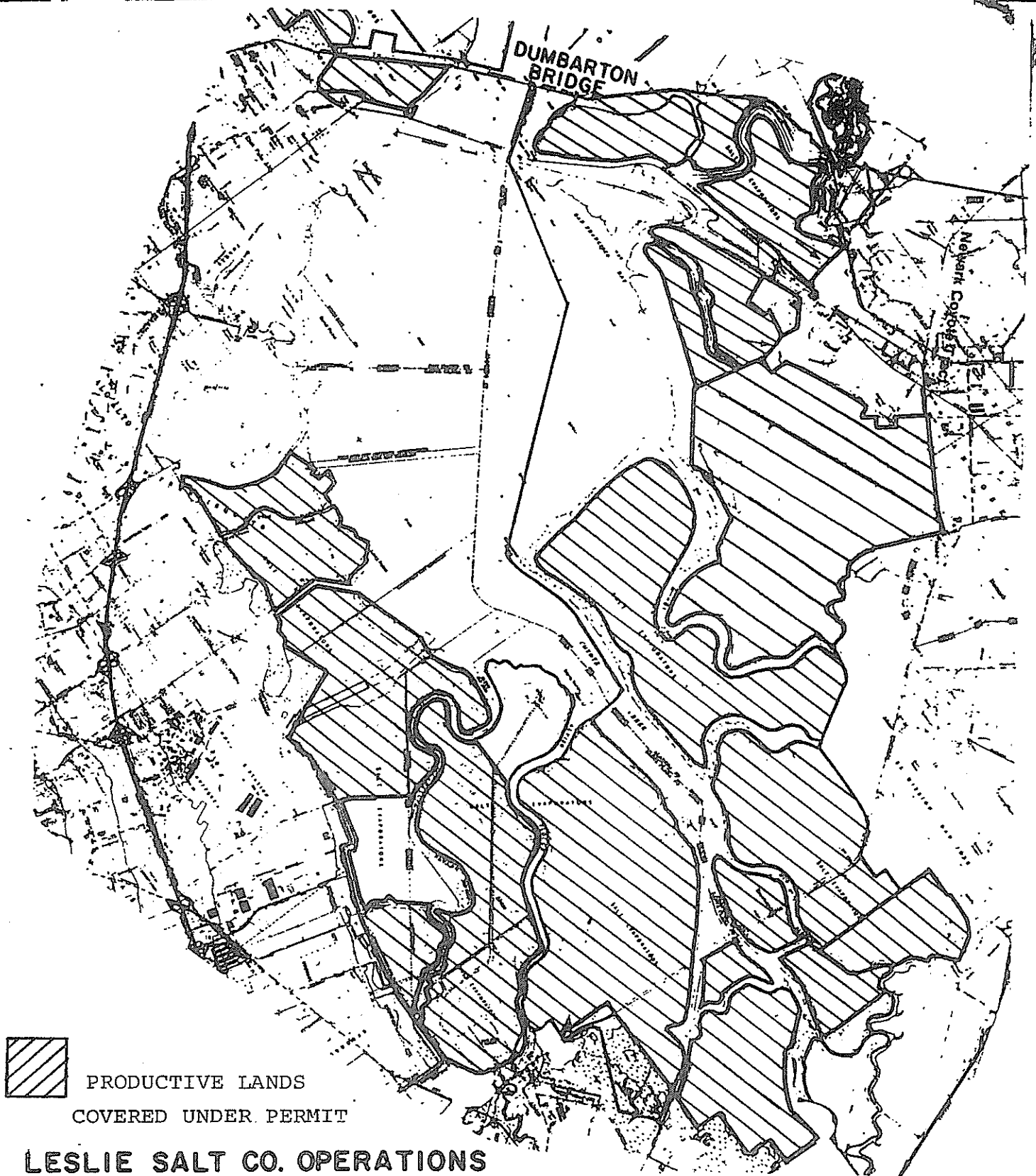
- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate.
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such reevaluation may result in a determination that it is appropriate to use the suspension, modification, or revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.


Galen H. Yanaginara
Colonel, Corps of Engineers
District Engineer

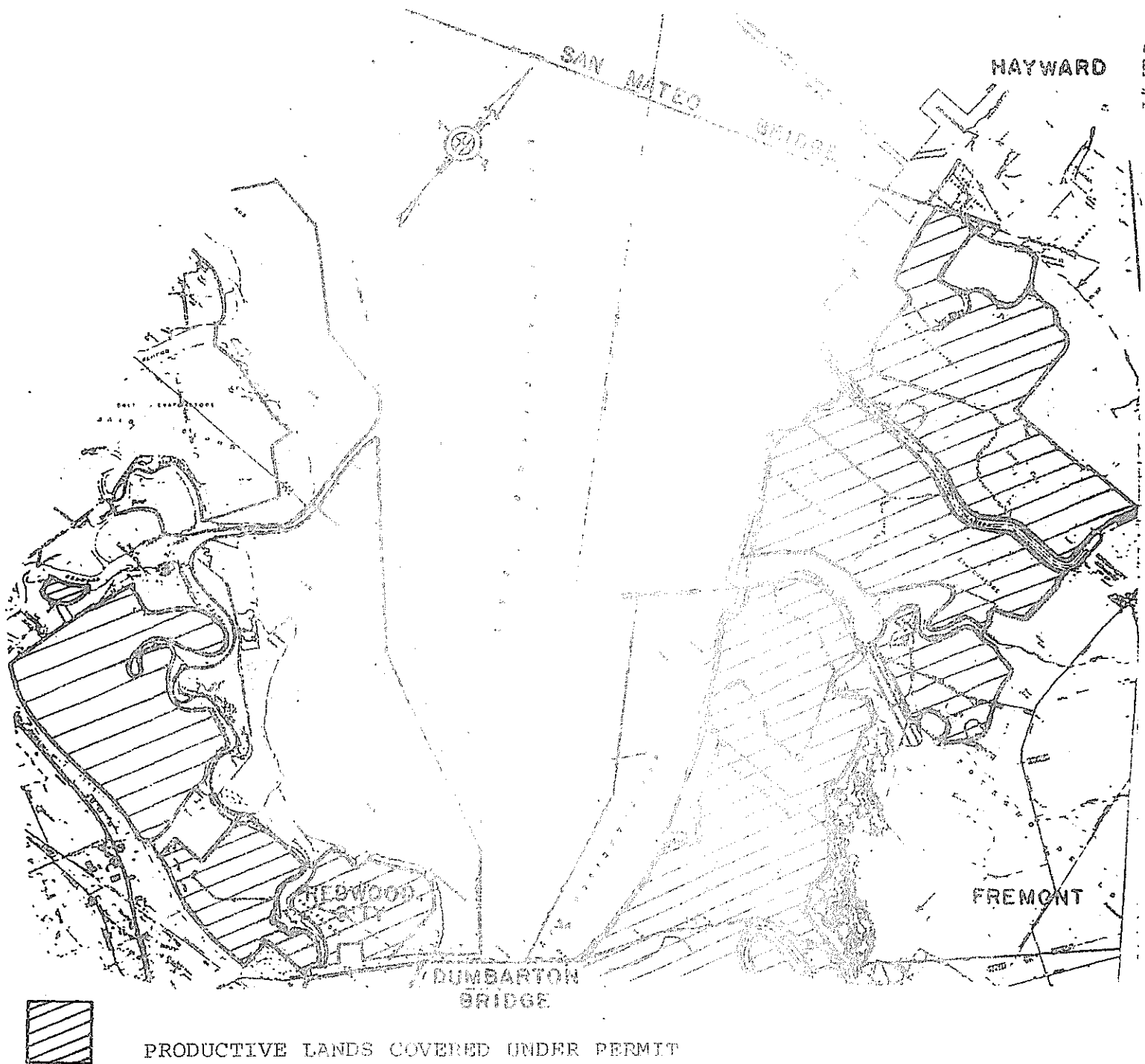
30 August 1988
Date



**LESLIE SALT CO. OPERATIONS
SOUTH OF DUMBARTON BRIDGE**

PURPOSE: REGIONAL MAINTENANCE PERMIT
DATUM NGVD 1929

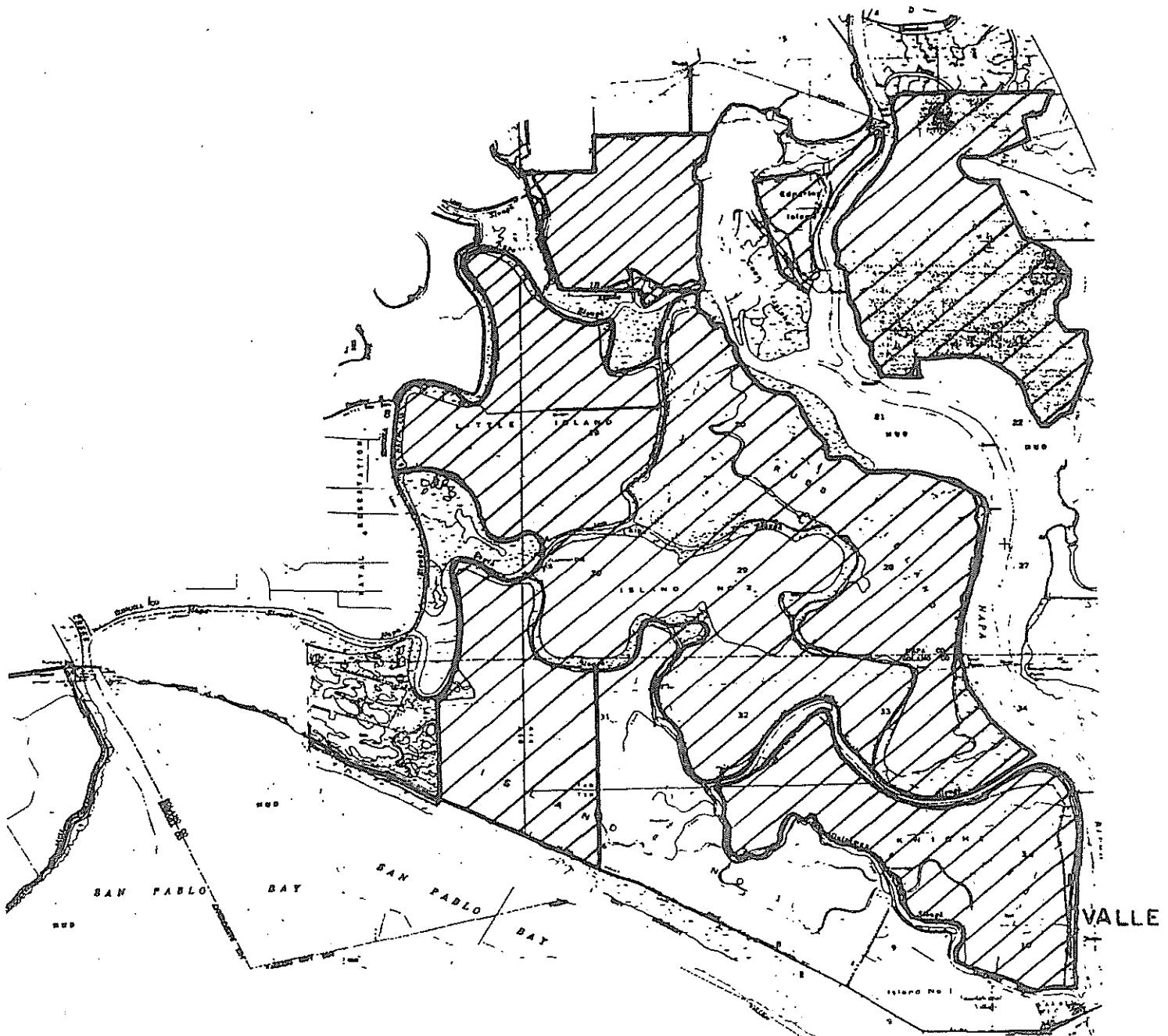
PROPOSED REGIONAL PERMIT
IN SAN FRANCISCO BAY
IN VARIOUS COUNTIES STATE OF: CALIF
APPLICATION BY: LESLIE SALT COMPANY
Sheet 1 of 4 Date: June 1, 1987



LESLIE SALT CO. OPERATION NORTH OF DUMBARTON BRIDGE

PURPOSE: REGIONAL MAINTENANCE PERMIT
 DATUM NGVD 1929

PROPOSED REGIONAL PERMIT
 IN SAN FRANCISCO BAY
 IN VARIOUS COUNTIES STATE OF: CALIF.
 APPLICATION BY: LESLIE SALT COMPANY

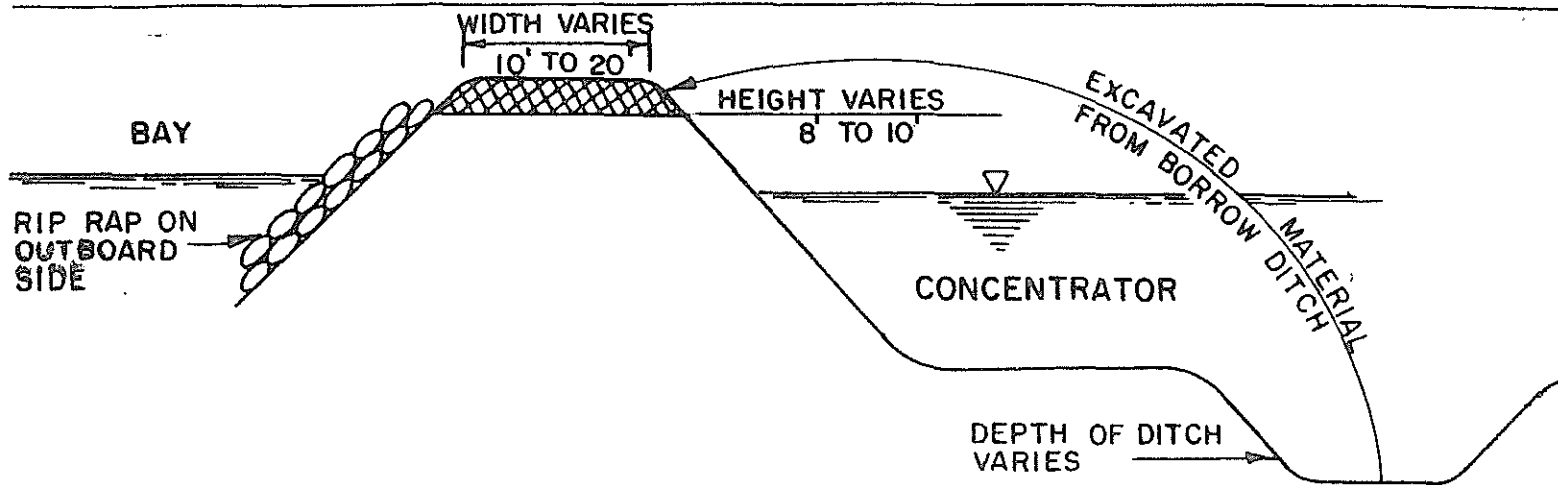


PRODUCTIVE LANDS COVERED UNDER PERMIT

LESLIE SALT CO. OPERATION IN NORTH BAY

PURPOSE: REGIONAL MAINTENANCE PERMIT
 DATUM NGVD 1929

PROPOSED REGIONAL PERMIT
 IN SAN FRANCISCO BAY
 IN VARIOUS COUNTIES STATE OF: CALIF
 APPLICATION BY: LESLIE SALT COMPANY
 Sheet 3 of 4 Date: June 1, 1987

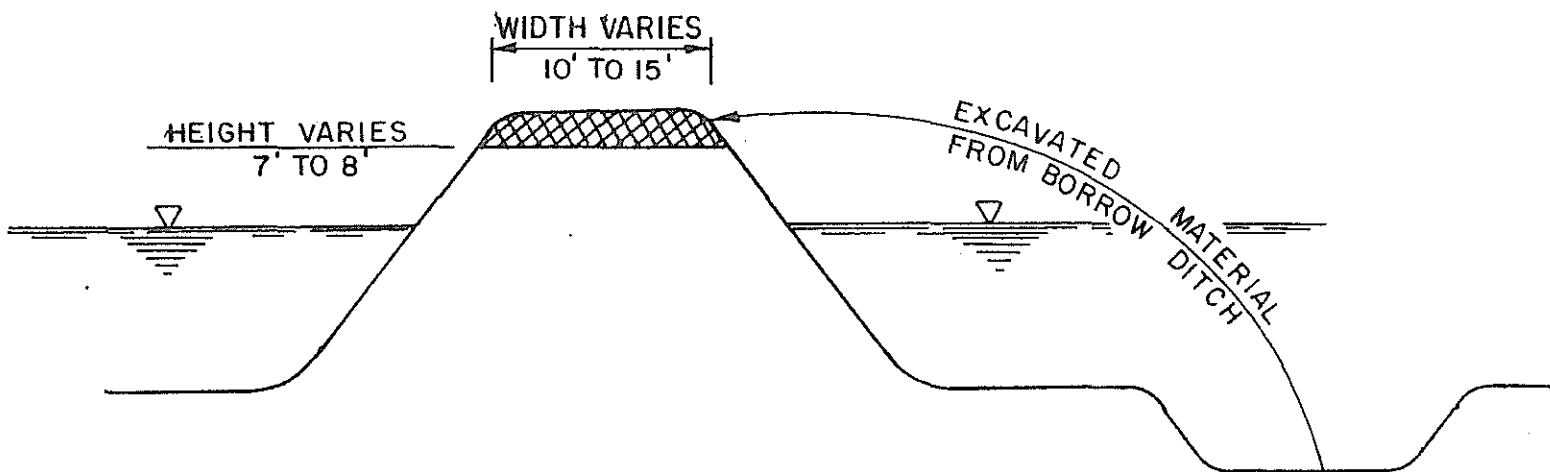


OUTBOARD LEVEE

NTS

NOTES:

- ① DREDGED MATERIAL PLACED ON TOP OF LEVEE 2' TO 3' IN DEPTH. AFTER ONE TO TWO YEARS CONSOLIDATION AND DRYING GRADED DOWN TO SMOOTH SURFACE 12" TO 18" DEEP OVER EXISTING LEVEE.
- ② DREDGED SPOILS PLACED SO AS TO CAUSE MINIMUM DISTURBANCE TO WETLANDS VEGETATION.



INBOARD OR INTERIOR LEVEE

NTS

TYPICAL LEVEE MAINTENANCE

PURPOSE: REGIONAL MAINTENANCE PERMIT

DATUM NGVD 1929

PROPOSED REGIONAL PERMIT
 IN SAN FRANCISCO BAY
 IN VARIOUS COUNTIES STATE OF: CALIF.
 APPLICATION BY: LESLIE SALT COMPANY
 Sheet 4 of 4 Date: June 1, 1987